

Organized crime and risk assessment: from threat to harm?

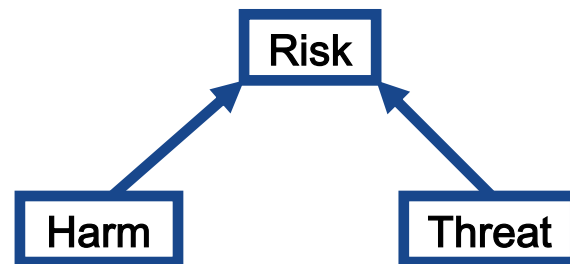
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***Research Implementation Symposium:
“Prevention and tackling the consequences of threats to security”
Swedish National Police Academy, June 12, 2013***

Original focus on threat, time to shift to harm?

- Since 1990s law enforcement agencies have largely focused on threats of offenders, developing OCTAs
 - Threat: likelihood of the adverse event, function of capability (= resources × knowledge) and intent (= desire × confidence) (Bond, 2004)
- But idea of risk assessment contains both threat and harm:
 - Consists of a “direct estimation of the likelihood of the adverse event (the threat), combined with a similar estimation of the consequences of the event (the harm)” (Bond, 2004)



- In study intended to help Belgian Federal Police set up strategic priorities in the control of OC, we decided to focus on harm (de facto risk) rather than threat

The centrality of harm to crime

- Harm serves as “fulcrum between criminal conduct and the punitive sanction” (Hall, 1960: 213)
 - Link to harm is obscured in penal codes
- At least implicitly, most penal codes and sentencing policies reflect offence seriousness (harm + offender’s culpability)
 - E.g., maximum sentences
- Some European countries and U.S. states require the severity of the penalty to be proportionate to the seriousness of the offence
 - E.g., UK’s Criminal Justice Act of 2003

Harm is increasingly relevant in crime control policy

- Harm reduction is considered important goal in many policy communities
 - E.g., drug policy and counterterrorism but also poverty alleviation, anti-discrimination, pollution and disease control
- Harm is increasingly proposed as benchmark to set up crime control priorities
 - E.g., UK's 2008 Organized Crime Strategy:
 - The overarching aim of the [OC Control] Strategy is to achieve a tangible and lasting reduction in the harms caused to the UK by OC" (SOCA, 2008)
 - E.g., shift from "organized crime" to "serious crime" in EU
- Many police agencies already use self-made tools to assess harms (see Tusikov 2012)
- Great Recession has made us even more aware of need to allocated scarce resources efficiently

Harm: Neglected concept in criminology

- Crime usually regarded as a harm in itself
 - 2012 search in CJ Abstracts found only 11 hits with “harm” and “crime” as keywords
- Critical criminologists call for shift from crime to harm but provide little specification
- Despite growing interest in victims, no systematic attempt to distinguish consequences of different criminal activities
- Research on related concepts:
 - Perceived seriousness of crime
 - Costs of crime
 - Impact of criminal victimization
 - Drug related harms

Neglect is at least partially due to daunting conceptual and technical challenges

- Five sets of challenges:
 - Morality, cultural and socio-economic variability and subjectivity
 - Infinitude, standardization, causality
 - Gross v. net harms
 - Quantification
 - Incommensurability
- Greenfield and Paoli (2013) have developed a harm assessment framework to address some of these challenges and tested it on organized crime activities in Belgium and the Netherlands

Outline

➤ **The harm assessment framework**

- Application of harm framework to cannabis production in Belgium
- Conclusions

Harm assessment framework

Construct business model



Identify possible harms and bearers
(taxonomy)



Rate
severity
of harm
(scale)



Rate
incidence of
criminal activity
and of harm in
relation to
criminal activity
(scale)

Evaluate severity and
incidence of harm



Prioritize harms
(matrix)



Establish causality of harm

Harm assessment framework

Construct business model



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Evaluate severity and
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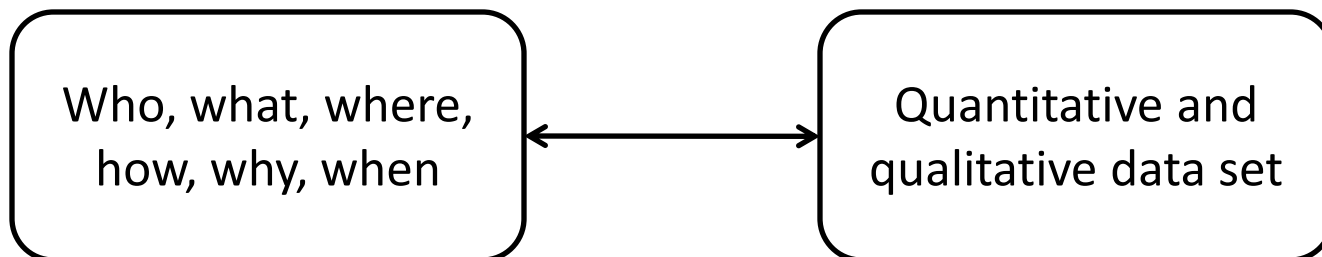
Prioritize harms
(matrix)



Establish causality of harm

Business model fuels assessment process

- Depicts *modus operandi* of criminal activity
 - characterizes key operational phases of activity and,
 - for complex crimes, describes roles and modes of “accompanying” and “enabled” activities
- Provides building blocks of information or “evidentiary base” for identifying possible harms, evaluating their severity and incidence, prioritizing them, and establishing their causality



Harm assessment framework

Construct business model



**Identify possible harms and bearers
(taxonomy)**

Rate
severity
of harm
(scale)



Evaluate severity and
incidence of harm



Prioritize harms
(matrix)

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Establish causality of harm

Taxonomy delineates type & bearers

	BEARER OF HARM			
	Individuals	Private-Sector Entities	Government Entities	Environment
TYPE OF HARM				
Functional integrity	X*	X**	X**	X***
Material interest	X	X	X	n/a
Reputation	X	X	X	n/a
Privacy	X	X	X	n/a

Source: authors drawing from von Hirsch and Jareborg (1991) and others.

Notes: X = applicable; n/a = not applicable;

* Functional integrity = Physical and psychological integrity;

** Functional integrity = Operational integrity;

*** Functional integrity = Physical, operational, and aesthetic integrity

Possible harms associated with criminal activities

HARMS TO INDIVIDUALS, specifically to their:

Functional integrity

Damages to physical and psychological health and safety, ranging from death to minor injury, the latter resulting in only momentary pain or discomfort and having no lasting psychological effect. We address human dignity as a psychological interest.

Material interests

Damages to one's material support, including financial means and amenities. These interests range from the most basic material support necessary for subsistence to the material goods and amenities needed for enhanced well-being.

Reputation

Damages to others' view of the individual. They might involve instances of mistreatment or exploitation, as could occur in cases of human trafficking, or stem from instances of physical assault, verbal harassment, or mere association.

Privacy

The loss of one's ability to pursue one's interest, involving violations of personal privacy, such as unauthorized intrusions or control of personal documents, as might occur in a burglary or kidnapping.
Control of a victim's passport in cases of human trafficking might, for example, result in a harm to privacy.

Possible harms associated with criminal activities

HARMS TO PRIVATE-SECTOR ENTITIES

(including businesses and NGOs), specifically to their:

Functional integrity

Damages to the operational integrity of a private-sector entity, ranging from its collapse or total control to the occasional impairment of its decision-making and operations, possibly through the corruption of an official, employee, or other representative.

Material interests

Damages to an entity's material, financial or intellectual property. Such injuries may stem from burglary, property damage, intellectual property (IP) theft and misuse, and other offences.

Reputation

Damages to others' view of the entity. Injuries to reputation may arise from the involvement of an entity or any of its officials, employees, or other representatives in a criminal activity; their victimization; or the entity's inability to enforce its rules.

"Privacy"

The loss of an entity's ability to pursue its interests stemming from unauthorized access to and possible misuse of an entity's premises or sensitive or proprietary information. Unauthorized access may result from various offenses, including burglary and the misuse of business documents and data in cases of VAT fraud.

Possible harms associated with criminal activities

HARMS TO GOVERNMENT ENTITIES, specifically to their:

Functional integrity

Damages to the operational integrity of any central, regional, or local public body, ranging from its collapse or total control to the occasional impairment of its decision-making and operations, possibly through the corruption of a government official or representative.

Material interests

Damages to a central, regional, or local public body's material, financial, or intellectual property. Such injuries may stem from burglary, property damage, IP theft and misuse, tobacco smuggling, VAT fraud, etc.

Reputation

Damages to others' view of the government. Injuries to reputation may arise from the involvement of a central, regional, or local public body or any of its officials or representatives in a criminal activity; their victimization; or the government's inability to enforce its rules.

"Privacy"

The loss of a central, regional, or local public body's ability to pursue its interests, stemming from unauthorized access to and possible misuse of that body's premises or sensitive information. Unauthorized access may result from various offenses, including burglary and VAT fraud. In case of VAT fraud, official documents and other data are especially vulnerable.

Possible harms associated with criminal activities

HARMS TO THE ENVIRONMENT, specifically to its:

Functional integrity

Damages to the national, regional, or local environment, be it physical or social.

Concerns about the **physical environment** include:

- air, water, soil, noise, and light pollution,
- inaccessibility of open spaces, and
- obstruction or destruction of landscapes.

Concerns about the **social environment** include: public nuisance, social fragmentation, and community disassociation. Drug dealing might, for example, create a persistent public nuisance.

Harm assessment framework

Construct business model



Identify possible harms and bearers
(taxonomy)

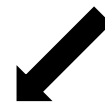
**Rate
severity
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(scale)**



**Evaluate severity and
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**Rate
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**Prioritize harms
(matrix)**



Establish causality of harm

Common benchmarks gauge severity

SEVERITY RATING	Level of individual's living standard at which damage occurs	Level of entity's mission capability at which damage occurs
Catastrophic	1°: Subsistence, consisting of survival, but with maintenance of no more than elementary capacities to function	1°: Viability, consisting of survival, but with maintenance of no more than elementary capacities to function
Grave	2°: Minimal standard of living	2°: Minimal mission capabilities
Serious	3°: Adequate standard of living	3°: Adequate mission capabilities
Moderate	4°: Enhanced standard of living	4°: Enhanced mission capabilities
Marginal	Marginal or no effect at any level	Marginal or no effect at any level

- Drawn from von Hirsch and Jareborg's (1991) living-standard approach
- Extended to other bearers by analogy, e.g., from living standard to capability to achieve mission for private-sector and government entities
- Used to assess effects of intrusions upon different interests (functional integrity, material interest, reputation, and privacy), levels of analysis require specification

Examples

- Death (e.g., by homicide) is “catastrophic”
- Petty assault might produce “marginal” harm to functional integrity but it might produce “moderate” harm to reputation
- Drug dealing may affect the social environment “moderately” to “seriously” in given neighborhood but only “marginally” in broader perspective

Assessment requires standardization

Incidence provides grounding for prioritizing harms

Matrix of severity, incidence, and priorities

SEVERITY	INCIDENCE				
	Always	Persistently	Occasionally	Seldom	Rarely
Catastrophic	H	H	H	H/M	M/H
Grave	H	H	H/M	M/H	M
Serious	H	H/M	M/H	M	L
Moderate	H/M	M/H	M	L	L
Marginal	M/H	M	L	L	L

Source: authors based on Greenfield and Camm, 2005.

Notes: H = Highest priority; M = Medium priority; L = Lowest priority; we use “non applicable” for harms that are irrelevant in a particular context.

**Matrix offers preliminary basis for addressing
incommensurability, using quantitative and qualitative data**

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Establish causality of harm

Framework addresses challenges

CHALLENGE	APPROACH
Cultural and socio-economic variability and subjectivity	Taxonomy lists “possible harms”
Infinitude	Taxonomy claims to be encompassing, not exhaustive; accommodates harms of complex crimes that entail immediate, accompanying, and enabled activities
Causality	Taxonomy speaks of harms “associated with” criminal activity; assessment process includes explicit evaluation
Quantification	Scales exploit quantitative <i>and</i> qualitative data
Incommensurability	Matrix – and underlying benchmarks – enables limited comparisons within categories of bearers

But in “real world,” hurdles remain

Standardization (average individual or entity and typical criminal event),
“denominators,” matters of degree in severity and incidence rankings

Other distinctive features of approach

- Applicable to most crimes, including complex
- Attributes harms to ultimate* bearers
 - No harms to “economy,” harms to “community,” or “systemic harms”
- Excludes law enforcement costs
 - Typically included in “cost of crime” analyses
 - But inclusion creates vicious cycle
 - Most-prioritized activities are, by definition, most-harmful
- Excludes fear of crime, avoidance or mitigation costs
 - Impossible to separate by criminal activities
 - Function not of crime but of crime perceptions
- Includes repair or replacement costs

*As close to ultimate as data and methods permit.

Assessment can serve various policy goals

1. Systematically identify all types, bearers and causes of harms
 - Help design policies, including RJ, minimizing/repairing harms for all bearers
2. “Compare” harmfulness of activities within class of bearers
 - Provide evidence for strategic priority-setting in crime control
3. Identify “most-harmful” perpetrators
 - Provide evidence for operational priority-setting in crime control
4. “Compare” impact, including unintended consequences, of current and proposed policies and offences
 - Assess impact of alternative policy scenarios
 - Help identify (and change) policy interventions causing most harm
 - Establish bearers of costs (and benefits)
5. Gauge harmfulness component of offence seriousness
 - Help establish proportionate sentences

Outline

- The harm assessment framework
 - **Application of harm framework to cannabis cultivation in Belgium**
 - Project funded by Belgian Science Policy and carried out together with Loes Kersten and Evelien van Dun (University of Leuven), Tom Decorte and Julie Heyde (Ghent University)
- Conclusions

Project motivation and aims

- Since the 1980s domestic production of cannabis herb (i.e., marijuana) has risen in most consumer countries
 - Shift was particularly far-reaching in The Netherlands and has later invested neighbors
- Large-scale cannabis cultivation is said to produce large revenues for organized crime groups and to be source of violence and corruption
- Law enforcement efforts primarily aim to reduce availability but also to reduce organized crime profits and harms
 - Until 2011 repression of cannabis cultivation was priority of Belgium's Safety Plan

**How does cannabis cultivation in Belgium take place?
Which harms are associated with it
and what are their severity, incidence and causes?**

Project methods and samples

- Research design combines quantitative and qualitative methods
- Ghent team was responsible for internet survey, part of GCCRC
 - 1,293 valid surveys from whole of Belgium: age 18-81, mostly males (90.9%), mostly small-scale (73.4% < 5 plants; 98.3% <49 plants)
- Leuven team was responsible for qualitative data collection focusing on large-scale cultivators
 - 20 interviews with imprisoned cultivators: aged 24-63, all males, 17 Belgian, 3 Dutch
 - 28 interviews with experts, mostly but not exclusively from law enforcement
 - Analysis of 34 criminal cases opened in 2005-2011: 1-46 suspects per case, aged 18-69, mostly males (85.5%), Dutch and Belgian, all large-scale
- Data have obvious limitations, which are only partially alleviated by triangulation

Working through harm assessment process

Construct business model



Identify possible harms and bearers
(taxonomy)

Rate
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of harm
(scale)

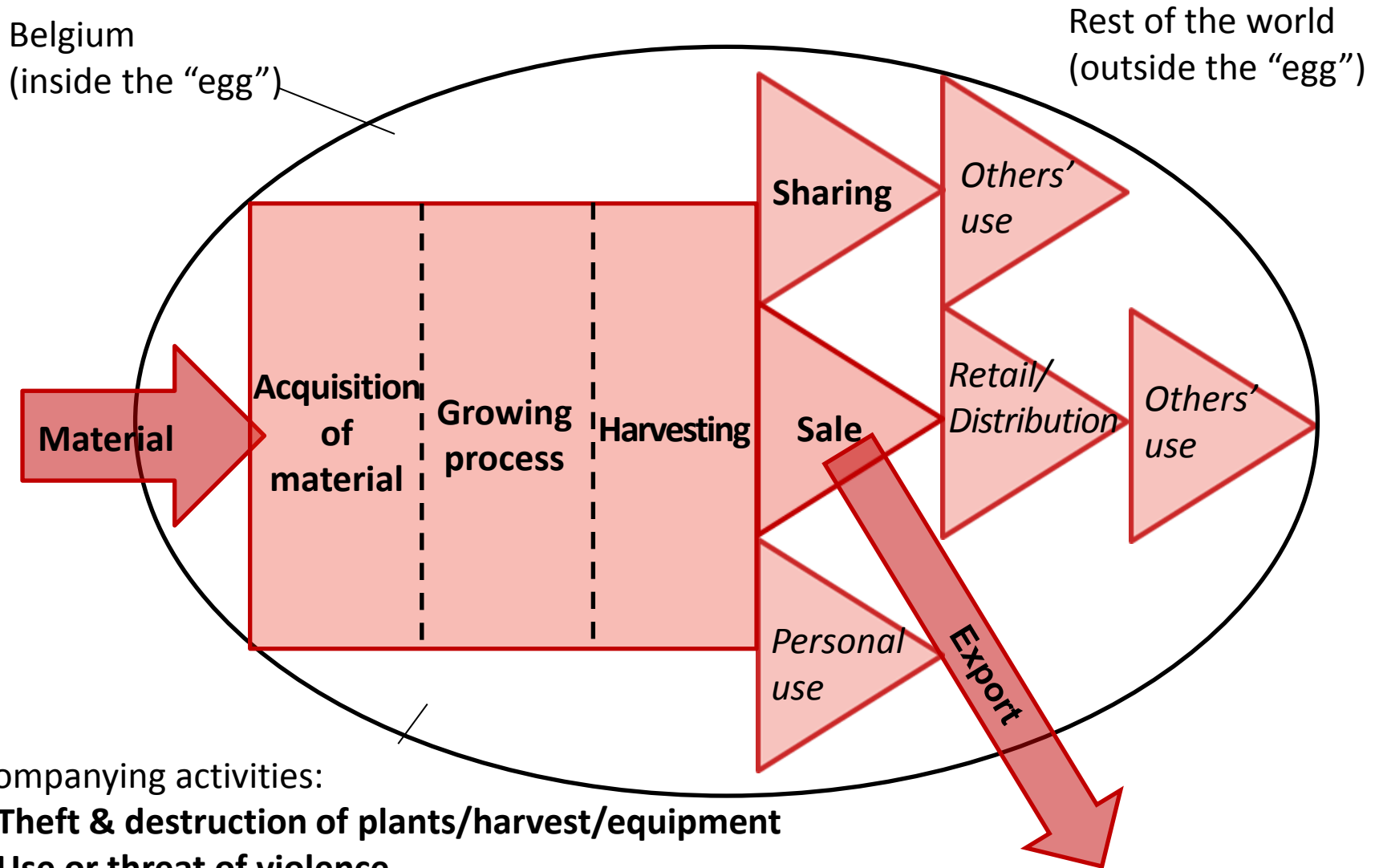
Evaluate severity and
incidence of harm

Rate
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and of harm in
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Prioritize harms
(matrix)

Establish causality of harm

The business model of cannabis cultivation



Accompanying activities:

- **Theft & destruction of plants/harvest/equipment**
- **Use or threat of violence**
- **Corruption**
- **Money laundering**

The growing process and related harms

- Most survey respondents (74.1%) cultivate on/in their own property, outdoor and indoor, and hence cause no harm to others
- Interviewed large-scale cultivators grow indoor, in rented properties, occasionally buying owners off or using false IDs
- Electricity theft is source of largest harm in this phase
 - 7% of survey respondents (18.4% of those cultivating more than 20 plants, n=7) and almost all interviewed cultivators admit theft
 - Harms assessed €4,000 to €98,000 per plantation in criminal cases
 - According to Eandis, 80% of recorded amount of theft is cannabis-related; 1,040 cases in 2003-2010; average harm is € 22,018 per case
 - Electricity theft also occasionally sets up fires
- Harms sometimes result also from the destruction of property and water overflow
 - Survey provides no data on this, but according to police 3 to 5 plantations were discovered each year in 2006-11 due to water damages

Harvesting and sale and related harms

- Small-scale cultivators (< 20 plants) harvest plant themselves and produce no harm
- Very large-scale cultivators sometimes recruit “cutting teams”
 - In six criminal cases Eastern Europeans were recruited, were paid regular salaries but also “surveilled”
 - Some interviewed cultivators report good treatment of cutters but others and experts suggest exploitation
 - E.g., hard work, no pay, transport in shuttered buses
- Only 8.1 % of survey respondents (36.1% > 20 plants) but all cultivators interviewed and charged in criminal cases are interested in monetary profits
- Some interviewed cultivators admit considerable earnings
 - “Farmgate” price is around €3.500 per Kg
 - 250 plants deliver at least 30 Kg per harvest, thus can be sold at €100,000

Theft and destruction of plants/harvest/equipment

- Theft and destruction of plants/harvest/equipment may occur to all cultivators but especially to those cultivating more than 20 plants
 - 13.7% of survey respondents (17.7% > 20 plants) admit having been involved in theft of plants, 5.6% (18.2% > 20 plants) in theft of harvest, 1.8% in theft of equipment (9.4% > 20 plants) and 12.3% in destruction of plants (30.3% > 20 plants)
 - 4 interviewed cultivators and 4 criminal cases also report theft of cannabis
- These activities often lead to violence but in our framework, they produce *per se* no harm, as they involve illegal property
- Experts speak of booby traps to discourage theft but other sources provide no supporting evidence

Use or threat of violence and related harms

- Only 6.8% of survey respondents have direct experience of verbal conflicts, only 1.5% of actual violence
 - Those cultivating more than 20 plants are more frequently involved: 12.9% in verbal conflicts, 6.5% in physical conflicts
 - Some physical conflicts reported have had serious consequences
 - Eight injuries, one permanent injury, one death
 - Counterparts are relatives, friends but also customers/suppliers or thieves
- Other sources also report little violence
 - Only three out of 20 interviewed cultivators have direct experience of physical violence
 - Consequences can be serious,: in one case a paralysis
 - Counterparts are mostly unknown thieves
 - Two out of 34 criminal cases report a kidnapping and two shoot-outs, seven others threats
 - Experts report no violence
 - Violence is probably underreported in criminal justice sources

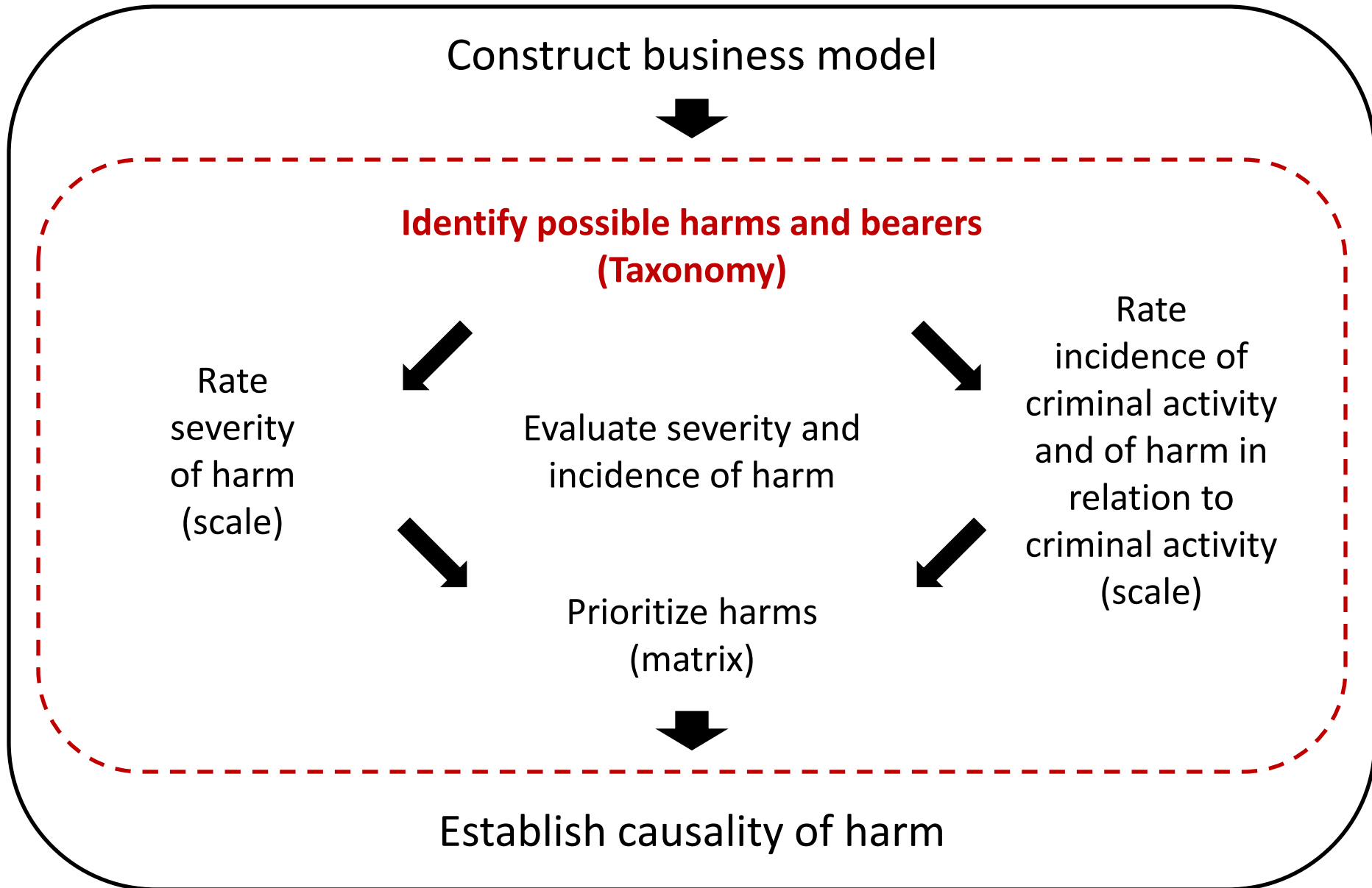
Corruption and related harms

- According to all sources there is very limited, low-level governmental corruption
 - 9 survey respondents report receiving help of police officers, 8 of other officials
 - Two interviewed cultivators report contacts with law enforcement officers
 - Criminal cases mention small (suspected) favors
 - It is unclear if anyone was really bribed
- Private-sector representatives are more frequently involved as facilitators
 - 15.6% (n=99) of survey respondents report receiving help from (Dutch) grow- and coffee-shops, 10% (n=63) from electricians or lawyers
 - Those cultivating more than 20 plants report more frequently help from electricians and lawyers (25.8%)
 - Interviewed cultivators and criminal cases also report favors from real estate agents and involvement of car rentals and other logistics enterprises
 - Some of these facilitators work independently, some harm their companies

Money laundering and related harms

- Earnings are primarily used to buy luxury goods and support lush lifestyle
 - Also reinvested in cannabis cultivation or other illegal activities
- Earnings suggest that crime pays, thus tainting government's reputation
- Private-sector facilitators are sometimes used to launder money
 - Survey respondents admitted receiving help or advice from lawyers (40), notaries (10), bank officials (11), accountants (6), insurance companies officials (4) and tax advisors (4)
 - A few criminal cases provide evidence of “sophisticated” laundering techniques

Working through harm assessment process

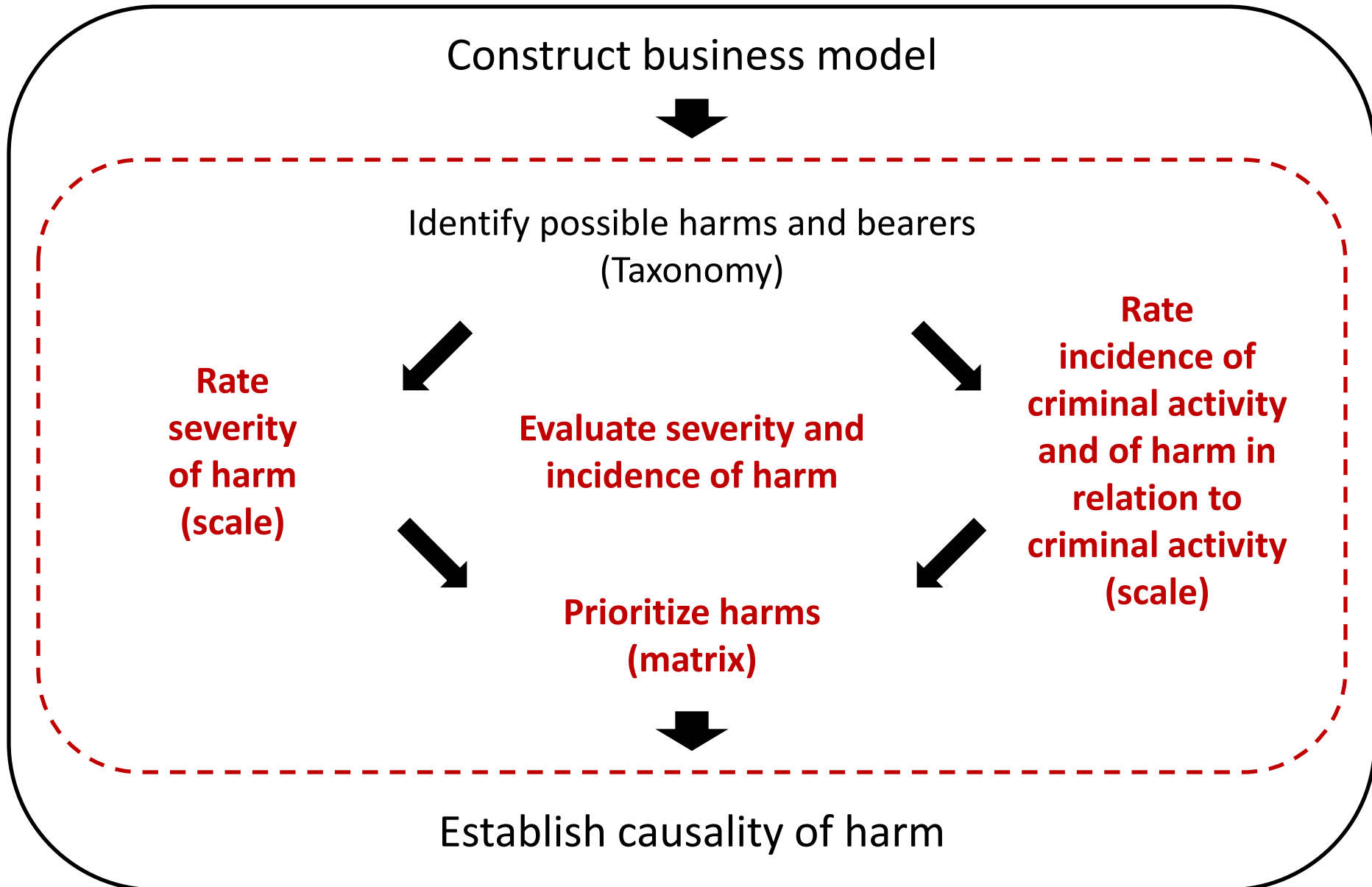


Possible harms touch upon many interests

	Growing	Harvesting	Corruption	Violence	Money	Bearers
	& sale	& sale			laundering	
HARMS TO INDIVIDUALS, specifically to their:						
Functional integrity						
<i>Loss of life</i>	n/a	n/a	n/a	X	n/a	- Cultivators, their relatives, friends, suppliers/customers and thieves, if targeted by use of violence
<i>Other: physical & psychological</i>	n/a	n/a	n/a	X	n/a	- All persons targeted by use of violence
<i>Only psychological</i>	n/a	X	n/a	X	n/a	- All persons targeted by threats - Member of cutting teams, if intimidated
Material interest	X	n/a	n/a	X	n/a	- Ancillary to functional harms, for those targeted by use or threat of violence - Owners of property, if this is damaged
Reputation	n/a	X	n/a	X	n/a	- All persons targeted by use or threat of violence - Owners of property, if this is misused w/o their knowledge
Privacy	X	X	n/a	X	n/a	- Same two categories as for reputation - Member of cutting teams, if controlled

	Growing	Harvesting & sale	Corruption	Violence	Money laundering	Bearers
HARMS TO PRIVATE-SECTOR ENTITIES, specifically to their:						
Functional Integrity	n/a	n/a	X	n/a	X	- Specialized shops, electrical companies, farms and law and logistics firms, if corrupt employees misuse assets w/o their knowledge
Material interest	X	n/a	X	n/a	n/a	- Ancillary to functional harms (property) - Electrical companies, if electricity is stolen - Owners of property, if this is damaged
Reputation	X	n/a	X	n/a	X	- Specialized shops, electrical companies, farms and law and logistics firms, if corrupt employees misuse assets w/o their knowledge - Owners of property, if this is damaged
“Privacy”	X	n/a	X	n/a	n/a	- Same two categories as for reputation
HARMS TO GOVERNMENT, specifically to its:						
Functional integrity	n/a	n/a	X	n/a	n/a	- Government agencies, if representatives engage in corrupt practices, incl. neglect of duties
Material interest	n/a	n/a	X	X	n/a	- Ancillary to functional harms (health) - Wages associated with neglect of duties
Reputation	n/a	n/a	X	n/a	n/a	- Government agencies, if representatives engage in corrupt practices, incl. neglect of duties
	X	X	X	X	X	- Gov’ment writ large, if it cannot enforce its laws
“Privacy”	n/a	n/a	X	n/a	n/a	- Government agencies, i.e., if officials/ representatives engage in corrupt practices
HARMS TO ENVIRONMENT, specifically to its:						
Funct. Integrity	X	n/a	n/a	n/a	n/a	- Neighbors, if affected by bad smell and noise

Working through harm assessment process



Cannabis production occurs always

- Sharp increase in number of plant seizures and detected “plantations” (> 2 plants) in Belgium since 2000
 - From 73,334 plants and 35 plantations in 2003 to 337,955 plants and 1,069 plantations in 2011

Plantations detected by the Belgian Federal Police, by scale, 2007-2011

Year	2007	2008	2009	2010	2011
Micro scale: 2-5 plants	66	136	134	209	190
Mini scale: 6-49 plants	130	219	226	313	376
Small scale: 50-249 plants	62	125	166	163	187
Middle scale: 250-499 plants	40	58	72	93	101
Large scale: 500-999 plants	44	63	65	106	119
Industrial scale: >1000 plants	51	45	66	86	88
Seedling farms	5	2	8	9	8
Total	398	648	737	979	1069

*Source:
Belgian
Federal Police,
2012.*

- At any moment cannabis is being cultivated in Belgium
 - Belgian production feeds Belgian market and Dutch coffeeshops

Actual harms accrue to individuals*

	Severity	Incidence**	Priority	Activity
HARMS TO INDIVIDUALS, specifically to their:				
Functional integrity				
<i>Loss of life</i>	Catastrophic	Rarely	M/H_i	– Violence
<i>Other physical and psychological</i>	Grave	Rarely	M_i	– Violence (i.e., assault causing permanent damages)
	Serious	Rarely	L _i	– Violence (i.e., assault and kidnapping)
	Moderate	Rarely	L _i	– "
	Marginal	Rarely	L _i	– Violence (i.e., petty assault)
<i>Only psychological</i>	Marginal	Seldom	L _i	– Violence threatened (i.e., intimidation) – Growing, if other persons' ID is used for rent of property
	Marginal	Rarely	L _i	– Harvesting, if cutting teams are intimidated

*Estimates exclude harms associated with cannabis distribution and use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

Actual harms accrue to individuals*

	Severity	Incidence**	Priority	Activity
HARMS TO INDIVIDUALS, specifically to their:				
Material interest	Serious	Seldom to rarely	M/L_i	– Growing, if rented properties are seriously damaged (e.g., fire)
	Moderate	Occasionally	M_i	– Growing, if rented properties are extensively damaged (e.g., waterflow)
	Marginal	Persistently	M_i	– Growing, if rented properties are lightly damaged (e.g., holes in walls)
Reputation				– Violence (i.e., all forms of assault)
	Moderate	Rarely	L_i	– Growing, if other persons' ID is used for rent of property
	Marginal	Seldom	L_i	– Violence threatened (i.e., intimidation) – Growing, if rented properties are misused w/o the owner's knowledge
Privacy				– Violence (i.e., assault and kidnapping)
	Moderate	Rarely	L_i	– Growing, if other persons' ID is used for rent of property
	Marginal	Seldom	L_i	– Growing, if rented properties are misused w/o the owner's knowledge

*Estimates exclude harms associated with cannabis distribution and use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

Actual harms also accrue to others*

	Severity	Incidence**	Priority	Activity
HARMS TO PRIVATE-SECTOR ENTITIES, specifically to their:				
Functional integrity	Marginal	Seldom	L _{ps}	Corruption
	Marginal	Rarely	L _{ps}	Money laundering
Material interest	Serious	Seldom to rarely	M/L _{ps}	Growing, if rented properties are seriously damaged (e.g. fire)
	Moderate	Occasionally	M _{ps}	Growing, if rented properties are extensively damaged (e.g. waterflow)
	Marginal	Persistently	M _{ps}	Growing, if rented properties are lightly damaged (e.g. holes in walls)
	Marginal	Occasionally	L _{ps}	Theft of electricity
	Marginal	Rarely	L _{ps}	Corruption Money laundering
Reputation	Marginal	Seldom	L _{ps}	Corruption Growing, if rented properties are misused w/o the owner's knowledge
	Marginal	Rarely	L _{ps}	Money laundering
“Privacy”	Marginal	Seldom	L _{ps}	Corruption Growing, if rented properties are misused w/o the owner's knowledge
	Marginal	Rarely	L _{ps}	Money laundering

*Estimates exclude harms associated with cannabis distribution and use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

Actual harms also accrue to others*

	Severity	Incidence* *	Priority	Activity
HARMS TO GOVERNMENT, specifically to its:				
Functional integrity	Marginal	Rarely	L _g	Corruption
Material interest	Moderate	Rarely	L _g	Violence (i.e., assault causing permanent damages)
	Marginal	Persistently	M _g	Growing, costs of dismantling plantations
	Marginal	Rarely	L _g	Violence (i.e., medical treatment of petty assaults)
				Corruption
Reputation	Marginal	Always	M _g	All criminal activities (non-enforcement effect)
	Marginal	Rarely	L _g	Corruption
HARMS TO ENVIRONMENT, specifically to its:				
Functional integrity	Marginal	Rarely	L _e	Growing (bad smells and noise)

*Estimates exclude harms associated with cannabis distribution and use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

Working through harm assessment process

Construct business model



Identify possible harms and bearers
(Taxonomy)

Rate
severity
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Evaluate severity and
incidence of harm



Rate
incidence of
criminal activity
and of harm in
relation to
criminal activity
(scale)



Prioritize harms
(matrix)



Establish causality of harm

Policy plays substantial role in non-use-related harms, other harms TBD

- Most non-use-related harms arise from illegal status and specific enforcement practices
 - Harms associated with growing and harvesting
 - Harms associated with violence, corruption and money laundering
- Use-related harms to-be-determined
 - Some harms arise from properties of drug, but policy, modes of enforcement, etc. also play part

Outline

- The harm assessment framework
- Application of harm framework to cannabis cultivation in Belgium

➤ **Conclusions**

What have we learned?

Substantive lessons

- Cannabis production causes various harms to all bearers:
 - Most are low priority but several are medium
 - Growing and violence cause most serious harms
- Illegal status of cannabis and enforcement practices are cause of most non-use-related-harms
 - These harms can be offset by use-related harms prevented by prohibition
- Analysis needs to be completed but non-use-related harms seem to be not uniformly distributed across different types of cultivators
 - Large-scale cultivators seem to be largely responsible for them
 - Small-scale cultivators (< 20 plants) cause limited harms

Comparison with cocaine and human trafficking

- Cannabis cultivation generates higher-priority harms to Belgium than cocaine or human trafficking
 - Unlike cocaine, it causes serious to marginal harm to material interest of individuals and businesses
 - Human trafficking generates more serious harms to individuals but occurs rarely and therefore most of its harm score low priority
- Most and most serious human trafficking harms are intrinsic, non-use-related harms of cocaine and cannabis are due to policies
 - Use-related harms TBD
- In human trafficking, harms to individuals concerns victims, in cocaine trafficking, perpetrators, in cannabis cultivation both

What have we learned?

Methodological lessons

- Framework enables comparisons of distribution of harms and rankings within categories, but some hurdles remain
- Framework does not enable comparisons across categories
 - Priority rankings offer preliminary basis for addressing incommensurability of harms
- Decisions about prioritization are normative due to incommensurability of harms and differences in bearers' roles in criminal activities
- Conceptual and technical challenges remain daunting
 - Our framework addresses some of them and spells limitations

“Why must we reject being vaguely right in favor of being precisely wrong?” (Sen 1987)

Harm: necessary benchmark for crime control policy

- “Task of assessing the seriousness of the offence is ... as complex and problematic as it is unavoidable and fundamental” (Ashworth 2006)
- “Taking harm reduction seriously requires a common metric of harm across all crimes” (Sherman, 2007)
- Ultimate decisions are inherently normative but would be stronger if informed by empirical assessment

Assessment can serve various policy goals

1. Systematically identify all types, bearers and causes of harms
 - Help design policies, including RJ, minimizing harms for all bearers
2. “Compare” harmfulness of activities within class of bearers
 - Provide evidence for strategic priority-setting in crime control
3. Identify “most-harmful” perpetrators
 - Provide evidence for operational priority-setting in crime control
4. “Compare” impact, including unintended consequences, of current and proposed policies and offences
 - Assess impact of alternative policy scenarios
 - Help identify (and change) policy interventions causing most harm
 - Establish bearers of costs (and benefits)
5. Gauge harmfulness component of offence seriousness
 - Help establish proportionate sentences

Concrete examples of police-relevant policy goals served by framework

1. Systematically identify all types, bearers and causes of harms
 - Help design policies, including RJ, minimizing/repairing harms for all bearers
 - **E.g., in the case of cocaine trafficking, swallowing of cocaine balls produces most serious harms to individuals**
2. “Compare” harmfulness of activities within class of bearers
 - Provide evidence for strategic priority-setting in crime control
 - **E.g., cannabis production produces more harms to Belgium than cocaine trafficking**
3. Identify “most-harmful” perpetrators
 - Provide evidence for operational priority-setting in crime control
 - **E.g., most harms associated with cannabis production seem to be associated with cultivators with more than 20 plants**
4. “Compare” impact, including unintended consequences, of current and proposed policies and offences
 - Help identify (and change) policy interventions causing most harm
 - Establish bearers of costs (and benefits)
 - **E.g., expansion of large-scale cannabis cultivation in Belgium can be seen as unintended consequence of Dutch cannabis policy**
 - **Key question: Which policy can best minimize total or specific set of harms?**

Background slides:

Application of harm framework to cocaine trafficking

Project funded by Belgian Science Policy and carried out together with Andries Zoutendijk (University of Leuven/ Dutch Police Academy) and Victoria A. Greenfield (RAND)

Research design

- Draw on multiple data sources, largely, but not exclusively from criminal justice system
 - 52 criminal proceedings from 2003 to 2007
 - 81 data files (42 “new”) recorded in organized crime database of Belgian Federal Police from 2006 to 2008
 - Organized crime reports and statistics
 - Interviews with 15 (+) law enforcement experts on cocaine trafficking, dealing, and money laundering
 - Interviews with 12 imprisoned traffickers/dealers
 - Scientific literature and media (some not Belgian)
- Triangulate data to validate findings
 - Admit other experts’ judgment but not our own, not codifying our prior opinions as fact, but possibly understating some harms

Working through harm assessment process

Construct business model



Identify possible harms and bearers
(Taxonomy)

Rate
severity
of harm
(scale)

Evaluate severity and
incidence of harm

Rate
incidence of
criminal activity
and of harm in
relation to
criminal activity
(scale)

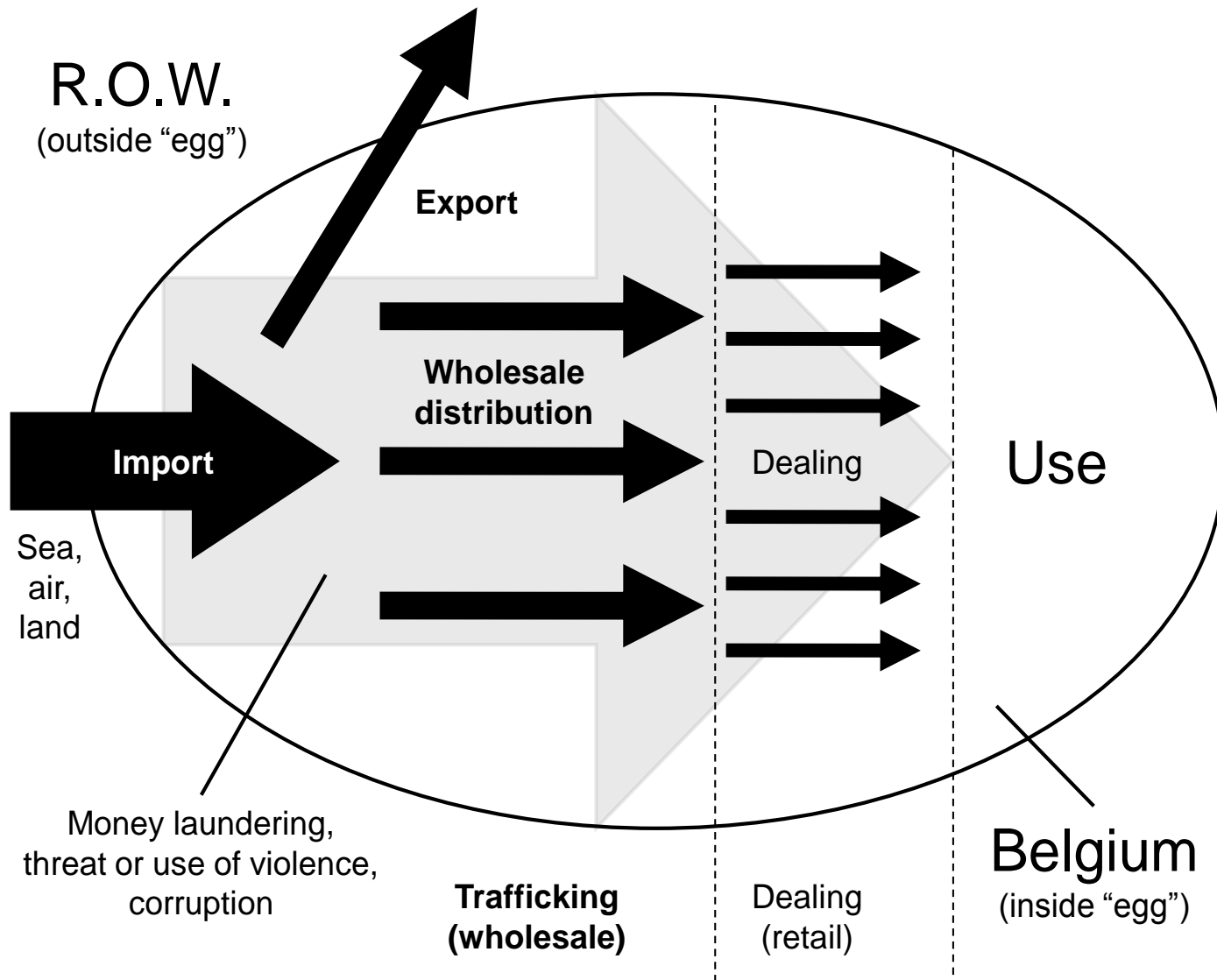
Prioritize harms
(matrix)

Establish causality of harm

Traffickers exploit air, sea, and land to move drugs with modicum of violence and corruption

- Main phases of cocaine trafficking in Belgium
 - Import (air, sea, and land)
 - Antwerp port and Brussels airport dominate
 - Trafficking over land occurs primarily from The Netherlands
 - Wholesale distribution or export
- Accompanying activities
 - Use or threat of violence
 - Corruption (e.g., cooperation of baggage handlers)
 - Money laundering
- Enabled activities, i.e., retail dealing and drug use

The business model of cocaine trafficking in Belgium



Antwerp port and Brussels airport dominate flows

- Antwerp port and Brussels airport account for 75-80% of number of wholesale (>0.5 kg) cocaine seizures and up to 90% of amount
- Reflecting different smuggling techniques, Antwerp port accounts for much larger share of amount seized (about half or more)

Year	NUMBER OF SEIZURES					AMOUNT SEIZED				
	Total	Antwerp port		Brussels airport		Total	Antwerp port		Brussels airport	
	n.	n.	%	n.	%	tons	tons	%	tons	%
2005	n/a	6	n/a	57	n/a	9.2	2.9*	31.5	1.7*	18.5
2006	174	22	12.6	108	62.1	3.9	2.1	53.8	0.7	17.9
2007	188	14	7.4	133	70.7	2.5	1.2	48.0	0.7	28.0
2008	168	38	22.6	94	56.0	3.9	2.5	64.1	0.9	23.1

Source: Belgian Federal Police (2010).

*Data exclude customs seizures, which include some large seizures at Antwerp port.

Sea route: Antwerp port

- Port of Antwerp, second largest in Europe
- Cocaine arrives on ships, most frequently in containers
 - Shipping amounts range from few kilograms to several tons
 - U.S. State Department (2006) estimates 20 tons of cocaine enter port yearly
- Port workers occasionally assist in retrieving cocaine
- In most cases, transport or manufacturing businesses are not aware of their involvement
- Little evidence of violence



Air route: Brussels airport

- Cocaine arrives from Africa and Latin America
- Commonly swallowed or hidden in luggage
 - Two body packers have died since 2000
 - Smuggling in luggage occasionally involves cooperation of baggage handlers (2 major cases since 2007)

	2006	2007	2008	2009
Cocaine couriers arrested	164	116	87	39
Main airports of departure (≥8 arrests)	Conakry, Abidjan, Caracas , Cancun , Dakar, Banjul	Conakry, Dakar, Banjul, Lome	Conakry, Punta Cana	Punta Cana
Body packers*	85	47	37	17

Source: Belgian Federal Police, 2010.

*Most, not all, of the arrested body packers carried cocaine

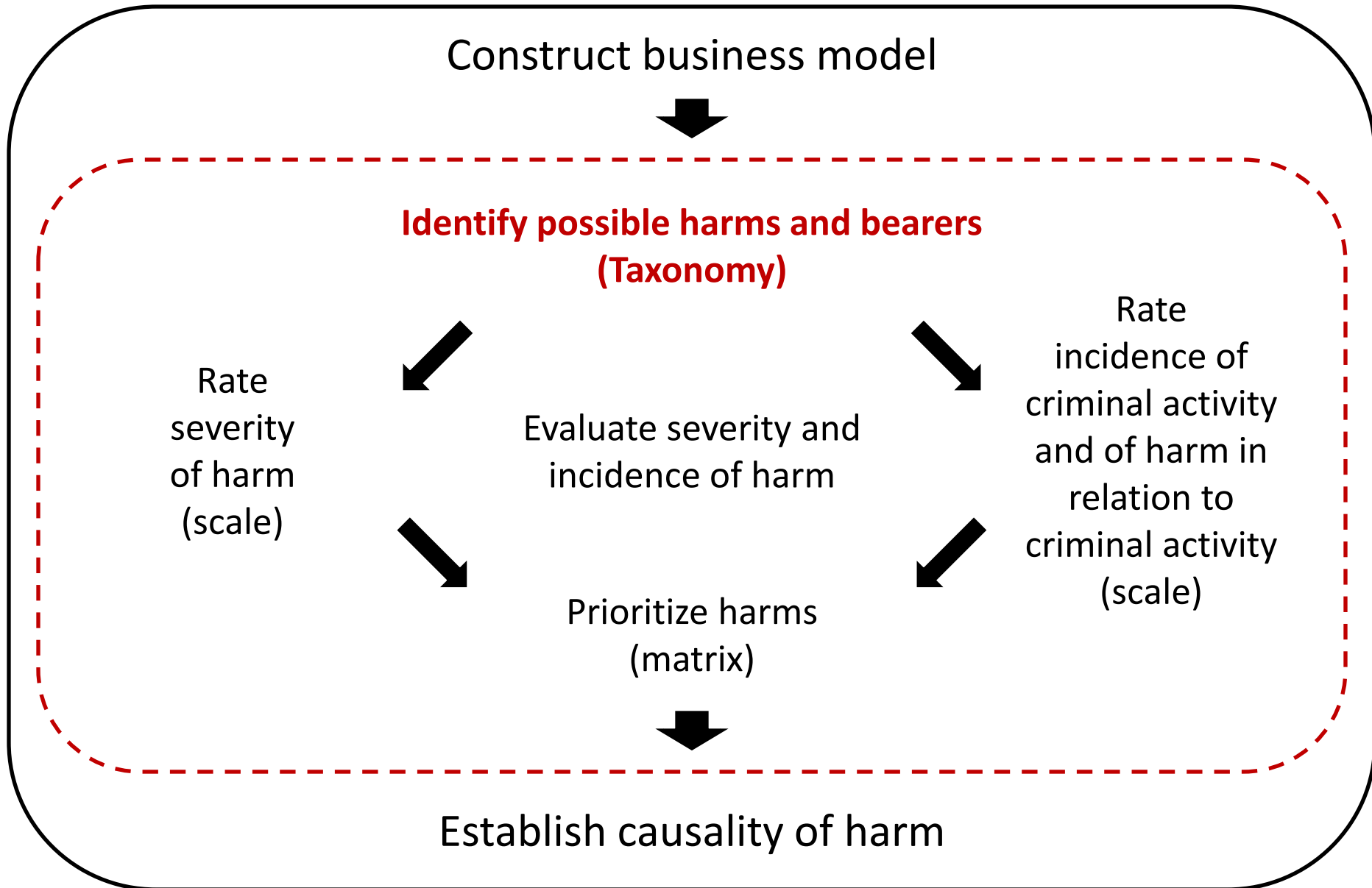
Cocaine entering Belgium exceeds consumption

- 1.75 tons consumed annually according to sewage water analysis (Bervoets et al., 2009); back-of-the-envelope (UNODC data) suggests 2.5 tons
- Large-scale (>0.5 kg) seizures, alone, ranged from 2.5 tons in 2007 to 9.2 tons in 2005*
- U.S. State Department reports (2006, 2010) suggest 20+ tons of cocaine enter and/or transit Belgium each year

**Transshipment accounts for large share of flows
(even with purity adjustments)**

**Source: Belgian Federal Police, 2010. Not purity adjusted. See earlier slide for data.*

Working through harm assessment process



Possible harms touch most interests

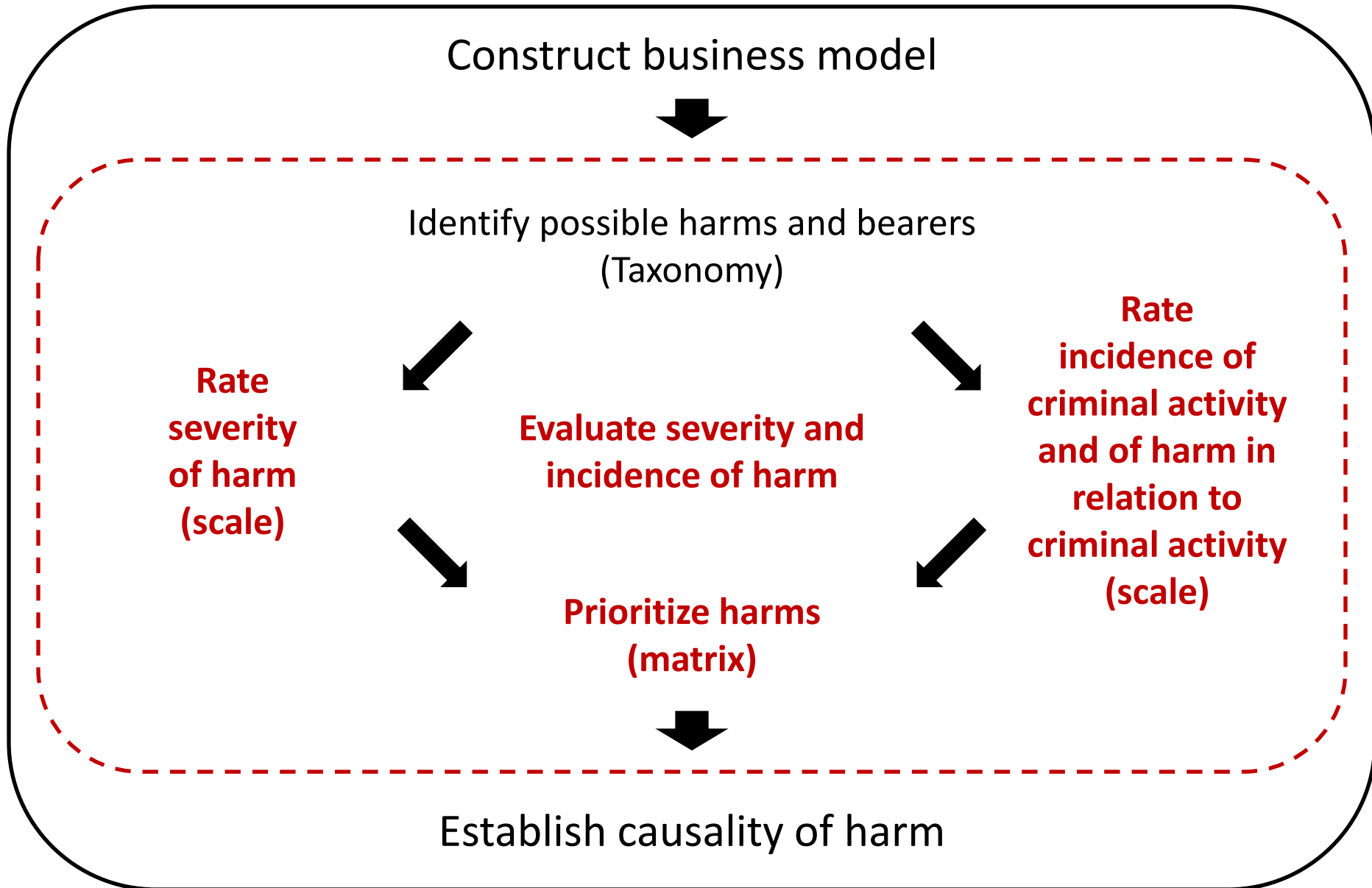
Example: Import phase, including violence and corruption

HARM	SEA	AIR	LAND
Functional integrity of body packers, e.g., fatal or non-fatal injuries*		X	
Functional integrity of traffickers, couriers, facilitators, and government officials/representatives targeted by use or threat of violence*	X	X	X
Functional integrity of transport and/or import-sector businesses, e.g., corrupt officials/employees or traffickers misuse assets*	X	X	X
Functional integrity of government entities, e.g., corrupt officials/employees abrogating duties	X	X	X
Material interests of transport companies, e.g., rental car damage	X		X
Reputation of individuals, e.g., from battery or petty assault	X	X	
Reputation of transport and/or import-sector businesses, e.g., corrupt officials/employees or traffickers misuse assets**; damage can occur even if firm initially lacks knowledge of traffickers' misuse	X	X	X
Reputation of government entities, e.g., officials/representatives engage in corrupt practices or they/others misuse assets**; damage can also occur if government entities appear unable to enforce laws	X	X	X

*May entail ancillary material damage.

**If corruption or misuse becomes publicly known.

Working through harm assessment process



Cocaine trafficking is persistent

- U.S. State Department reports (2006, 2010) suggest 20+ tons of cocaine enter and/or transit Belgium each year
 - 20 tons of cocaine flow through Antwerp port alone
 - 25% of cocaine moving from South America through Europe eventually transits Belgium, with UN data on European flows, this estimate would imply at least 30 tons of cocaine annually
- Given variability of shipment quantities—grams to tons—and frequency of seizures, trafficking is at least “persistent”
 - Small-scale operations occur weekly if not daily
 - Large-scale operations occur monthly if not weekly

Actual harms accrue to individuals*

	Severity	Incidence**	Priority	Activity
HARMS TO INDIVIDUALS, specifically to their:				
Functional integrity				
Loss of life	Catastrophic	Rarely	M/H_i	- Trafficking (i.e., lethal injuries to body packers)
Other physical and psychological	Grave	Rarely	M_i	- Trafficking (i.e., non-lethal injuries to body packers) - Violence in trafficking & dealing (e.g., assault)
	Serious	Rarely	L _i	"
	Moderate	Rarely	L _i	"
	Marginal	Rarely	L _i	- Trafficking (i.e., non-lethal injuries to body packers) - Violence during import (e.g., petty assault)
	Marginal	Seldom to occasionally	L _i	- Violence in all phases of trafficking , except import, and dealing (e.g., petty assault)
Only psychological	Marginal	Occasionally	L _i	- Trafficking (i.e., non-lethal injuries to body packers) - Violence in trafficking & dealing (e.g., intimidation)
Reputation	Moderate	Rarely	L _i	- Violence in trafficking & dealing (e.g., assault)
	Marginal	Rarely	L _i	- Violence in trafficking & dealing (e.g., petty assault)

*Estimates exclude harms associated with drug use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

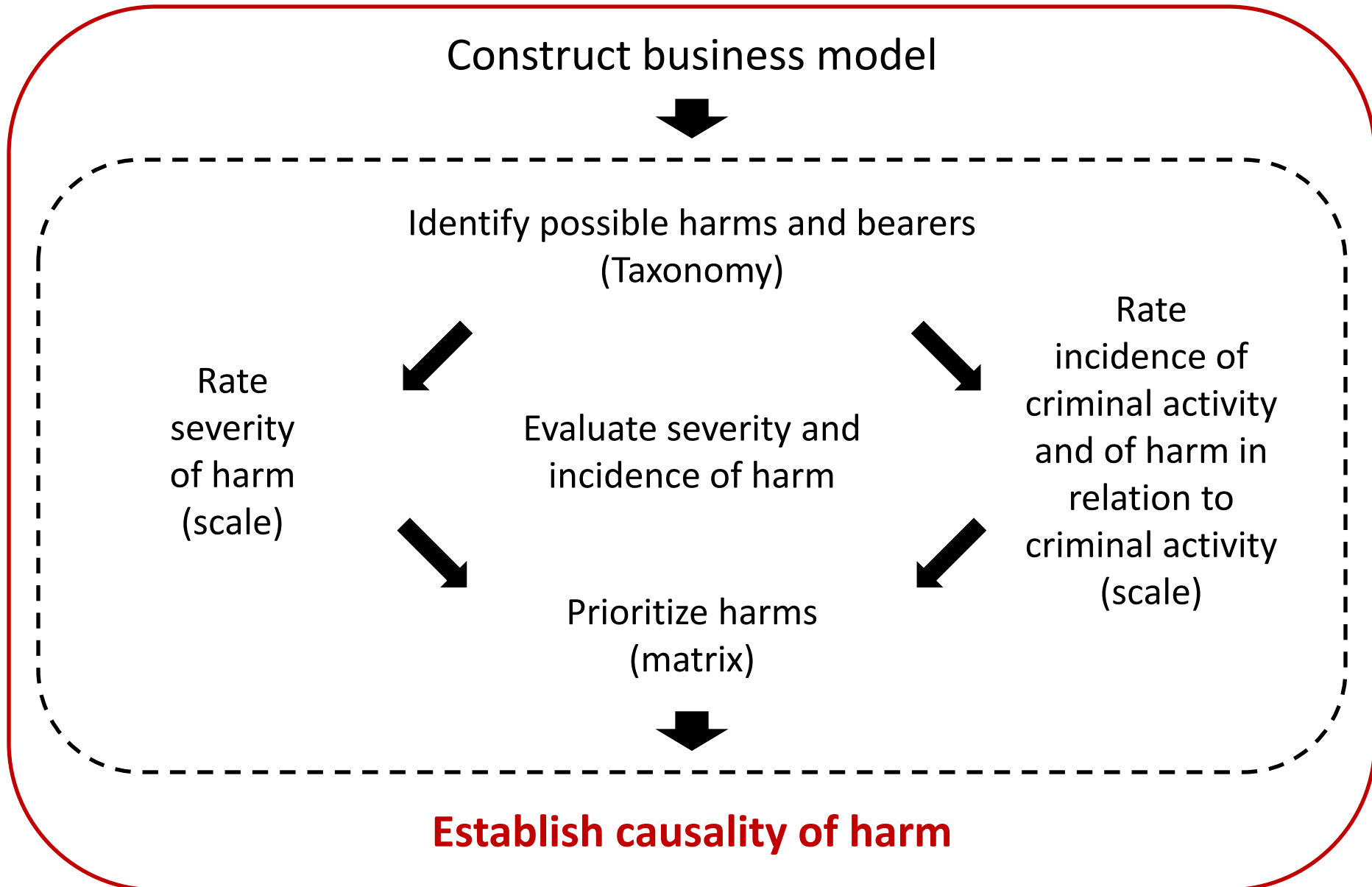
Actual harms also accrue to others*

	Severity	Incidence**	Priority	Activity
HARMS TO PRIVATE-SECTOR ENTITIES, specifically to their:				
Functional integrity	Marginal	Occasionally	L _{PS}	- Corruption in trafficking
Reputation	Marginal	Occasionally	L _{PS}	- Corruption in trafficking
HARMS TO GOVERNMENT ENTITIES, specifically to their:				
Functional integrity	Marginal	Rarely	L _G	- Corruption in trafficking
Material interest	Moderate	Rarely	L _G	- Trafficking and violence (i.e., medical treatment of fatal and non-fatal overdoses and serious assaults)
	Marginal	Rarely to seldom	L _G	- Violence ((i.e., medical treatment of less than serious assault)
Reputation	Marginal	Rarely	L _G	- Corruption in trafficking
	Marginal	Persistently	M _G	- All criminal activities (i.e., non-enforcement effect)
HARMS TO THE ENVIRONMENT, specifically to its:				
Functional integrity (social environment)	Marginal	Occasionally	L _E	- Dealing

*Estimates exclude harms associated with drug use.

**Overall incidence, accounting for incidence of activities and of harms in relation to activities.

Working through harm assessment process



Policy plays substantial role in non-use-related harms, other harms TBD

- Only dealing-related harms are remote
- Most non-use-related harms arise from illegal status and specific enforcement practices
 - Harms associated with trafficking
 - Harms associated with violence and corruption
 - Harms associated with dealing
- Use-related harms to-be-determined
 - Some harms arise from properties of drug, but policy, modes of enforcement, etc. also play part